

REMARKS

By the subject amendment, claims 3, 4 and 8 have been cancelled.

Without prejudice, and solely to define the claim over the Guschlbauer reference cited by the Examiner, Applicant has amended sub-paragraphs (a) and (d) of claim 1 of its application as originally filed, in the following manner.

Original claim language:

- "(a) first and second opposed extension members when normally positioned cooperating to form a cradling surface to support the manikin;"
- and:
- "(e) the second extension member being elongated and comprising an outer surface of continuous substantially smooth contour to minimizing the possibility that the movement of the manikin will be interfered with through contact with the second extension member when the manikin is moved with respect to the cradling surface;"

New claim language:

- (a) first and second opposed extension members when normally positioned cooperating to form a cradling surface to releasably support the manikin configured to permit removal of the manikin from the support impeded only by the extension members when normally positioned;
- and:
- "(e) the second extension member being elongated with opposed sides parallel with the longitudinal axis of the second extension member with [[and comprising]] an outer surface of continuous substantially smooth contour without any protrusions to minimizing the possibility that the movement of the manikin will be interfered with through contact with the second extension member when the manikin is moved with respect to the cradling surface;"

Guschlbauer's doll stand is designed to tightly retain the doll on the stand. These dolls, referred to as "antique dolls", are described as being "extremely valuable collectors items" which form the basis of many doll museums (column 1, lines 18 through 22). One disadvantage of the prior art is described as the need to consider that "the pressure of the wire clamp should strong enough to securely support the doll; the friction between the sectional tubing and the clamping wire must be great enough to ensure that the wire clamp does not slip" (sic) (column 2, lines 37-38). As well, an object of the invention is described as providing a doll stand to "securely support and hold antique dolls, artistic dolls, reproductions of antique dolls and any other dolls which are to be displayed in a standing position" (column 4, lines 35-36).

This is accomplished in several ways by Guschlbauer. In the embodiment of Figure 3 he provides tension straps 5 and 6 which are attached to the doll by means of bandage 9 shown in dotted outline. Bandage 9 completely surrounds the doll and the tension straps to firmly attach

the doll to the straps. See the description at column 7, lines 8 – 29. Note in particular the sentences starting at line 22:

"The tension straps 5,6 adhere to the adhesive tape and bandage 9 adheres to the adhesive tape and the body of the doll. Layer is stuck against layer. A few layers of unshrunk 30 μ m thick foil are sufficient to ensure that the tension straps 5 and 6 are firmly fixed to the body of the doll."

Guschlbauer teaches away from the use of a stand which holds the manikin by means of the first and second opposed extensions members of applicant's claimed invention in a manner which permits removal of the manikin during a martial arts skill. His tension straps must be firmly affixed to the doll with bandage 9 in order to support the doll on the stand. This type of structure would be completely unsuitable for removal of the manikin from a stand in order to practice a martial arts skill.

Guschlbauer's embodiment depicted in Figure 6 includes "cross-shaped" holding plates 15 and 16 with "cross-wise struts" 18,19 (column 8, lines 1-16) described as:

"FIG. 6 shows a further embodiment of holding part 5, 6 on carrying part 3 with coupling part 4 shown in the form of pin 55. Cross-shaped holding plates 15,16 (preferably made of plastic) are attached to a rear bracket 13 and a front bracket 14 which are formed as a single piece with carrying part 3. The crosswise struts 18,19 of the holding plates 15,16 extend horizontally and partially encompass the lower body of the doll giving a firm hold on the doll's body.

The brackets 13,14 with carrying part 3 can be elastic so that the holding plates 15,16 are pressed against the doll's body. An alternative solution can be provided by having tension cords 17 (indicated by dotted lines) e.g. elastic cords, Velcro cords or cords with tightening buckles, which press the holding plates 15,16 onto the doll's body. Eyelets 53, 53' on the ends of the holding plates 15,16 are provided for attaching these tension cords."

As regards Figures 7 and 8 of Guschlbauer, rear bracket 20 is described as including a cross-wise bracket 34 as described at column 8, lines 23 – 43:

"The rear bracket is fitted with a cross-wise bracket 34 which extends horizontally to both sides of the rear bracket 20 and has ends 35 which project up vertically. A belt 37 with a tightening buckle 38 can be attached to these ends 35 and to the fork-shaped holding part 36 on the front brackets 22 and 23. This allows the holding parts 5 and 6 to be buckled to both sides of the doll's body.

In FIG. 8 the two brackets 23 on the right and left hand sides of the stomach are attached to the carrying part 3 by means of a hinge 33. When placing the doll on the carrying part 3 the pair of brackets 23 is lowered forward, the doll is placed in the holding part, the pair of brackets is put back into position and attached with the belts 37 and the tightening buckles 38. Once the doll has been prepared like this, it can be put back onto the support part 2."

A principal objective of the Guschlbauer patent is to securely retain the doll in a standing position while protecting the doll from damage by securely attaching the doll to the support in order to prevent the doll from falling from that support. The doll must be securely attached to

the stand in order to prevent the doll and stand from being separated. Guschlbauer incorporates bandaged tension straps (Figure 3), a "cross-shaped" rear bracket (Figure 6) or a "cross-wise" bracket (Figures 7 and 8) to ensure that the doll can be securely attached to the stand. Bandaged tension straps and protruding rear brackets are completely unsuitable for performing martial arts skills which require easy removal of the manikin from the stand. The rear brackets of Guschlbauer incorporate lateral protruding segments used to secure the doll to the stand. They provide attachment means for attaching a strap around the doll and secure the doll to the stand. Those protruding segments would contact the legs of the doll as the doll is pivoted in an attempt to remove it from the stand. As well, bandaged tension straps would prevent any removal of the doll from the stand unless the bandages are first removed.

There is no motivation in Guschlbauer to change the rear brackets to remove the lateral protruding segments as they are described as providing the necessary attachment points for straps to secure the doll to the stand. Further, modifying Guschlbauer to remove those lateral segments would destroy its intended function of securely attaching the doll to the stand.

Applicants invention is directed to a manikin support which permits the manikin to be:

"realistically released from the support in the performance of a throwing, tripping, sweeping, pulling or pushing skill such as might be applied while practicing the sport of judo, wrestling or other martial arts sports, throughout a full and unrestricted 360 degrees about the manikin." (Page 1, lines 13 -16)

As stated by applicant at lines 25 - 28 of page 1:

"It is important to simulate as much as possible the unencumbered actual stance positions of a suspect or a training partner/opponent and to enable trainees to move the manikin and in some cases remove the manikin from the support, if a skill is to be practiced realistically."

Applicant's claims all define a second extension member having opposed sides parallel with the longitudinal axis of the member *"with an outer surface of continuous substantially smooth contour without any protrusions"*. This is for the purpose of "minimizing the possibility that the movement of the manikin will be interfered with through contact with the second extension member when the manikin is moved with respect to the cradling surface" as defined in the claims. Such a smooth contour without protrusions enables the manikin to be readily removed from the stand in order to practice a desired martial arts skill. The claims also define the extension members as being "configured to permit removal of the manikin from the support impeded only by the extension members when normally positioned". Guschlbauer provides significant impediments to the removal of the doll from the stand in the form of bandage 9, cross-shaped rear bracket with cross-wise struts 18,19 and cross-wise bracket 34. These impeding elements of Guschlbauer support its intended purpose of securely affixing the doll to the stand. They would be unsuitable in performing a martial arts skill which requires the removal of the manikin from the base, or the movement of the manikin while on the base.

Favorable reconsideration of the subject application with a view to allowance is respectfully requested. It is believed that no additional fees are due at this time, however should this determination be incorrect then please charge any deficiencies to our Deposit Account No. 50-0562 and notify the undersigned in due course. Should the Examiner wish to discuss this matter further, please contact the undersigned at the below listed number.

Date: June 7, 2005

MEREK, BLACKMON & VOORHEES, LLC
637 South Washington Street
Alexandria, Washington 22314
(703) 684-5633

Respectfully submitted

A handwritten signature in black ink, appearing to read 'D. Voorhees', written over a horizontal line.

David H. Voorhees
Registration No. 33,325
Attorney for Applicants